

Appl. No. : 09/454,766  
Filed : December 3, 1999

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the September 2, 2003 Office Action. Claims 6, 10, and 14 remain as originally filed, Claims 1-4 and 12 are cancelled without prejudice, Claims 5, 7-9, 11, and 13 are amended, and new Claim 15 is added. Thus, Claims 5-11 and 13-15 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

#### **Comments on Allowable Subject Matter of Claims 5 and 6**

Applicants thank the Examiner for acknowledging the allowability of Claims 5 and 6. As described herein, Applicants have rewritten Claim 5 in independent form, including all the limitations of Claims 1-4, and have cancelled Claims 1-4 without prejudice. Applicants submit that Claims 5 and 6 are in condition for allowance and Applicants respectfully request such action.

The Examiner points out that the prior art "does not teach the determination of a second corrected intensity value by combining said first corrected intensity value with the corrected subaspect value, nor the subsequent step of determining at least two types of corrected aspect values by combining said second corrected intensity value with two types of corrected subaspect values." Although Applicants agree that this is one distinction over the prior art, Applicants do not agree with any implication that the patentability of any claim rests on the recitation of a single feature since it is the combination of features that makes a claim patentable. Accordingly, Applicants submit that Claims 5 and 6 are allowable because each claim recites a combination of features that is not taught or suggested by the prior art.

#### **Response to Objection to Claim 3**

In the September 2, 2003 Office Action, the Examiner objects to Claim 3 for an informality. As described herein, Applicants have cancelled Claim 3 without prejudice.

#### **Response to Rejection of Claims 1-11 Under 35 U.S.C. § 112, Second Paragraph**

In the September 2, 2003 Office Action, the Examiner rejects Claims 1-11 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

With regard to Claim 1, the Examiner states that it is unclear whether "determining at least two types of subaspect values for said pixel" completely fulfills the method's objective of "determining at least two types of corrected aspect values for an aspect of a pixel." As described

Appl. No. : 09/454,766  
Filed : December 3, 1999

herein, Applicants have rewritten Claim 5 in independent form, including all the limitations of Claims 1-4. In particular, the limitations from Claim 2 ("wherein said aspect is the colour of said pixel and wherein said subaspect is the chrominance of said pixel") clarify that the step of "determining at least two types of chrominance values" is part of a method of "determining at least two types of corrected colour values for a colour of a pixel" in amended Claim 5.

In addition, the Examiner also states that it is unclear in Claim 1 what is meant by a measured intensity value "in" said first corrected value. The Examiner rejected Claims 5 and 9 on the same basis. As described herein, upon rewriting Claim 5 to incorporate the limitations of Claim 1, amended Claim 5 refers to "decomposing the measured intensity value into said first corrected intensity value and a subaspect value" (emphasis added). As described herein, Applicants have also amended Claim 9 to remove language cited by the Examiner as being unclear.

The Examiner also states that Claim 3 is unclear for insufficient antecedent basis for the limitation of "the Red, Green, and Blue corrected color values." Applicants have cancelled Claim 3 without prejudice.

The Examiner also states that Claim 9 is unclear for referring to "the subaspect values" and "the subaspect value." Applicants have amended Claim 9 to remove language cited by the Examiner as being unclear.

Applicants submit that amended Claims 5 and 9 are sufficiently definite to satisfy the requirements of 35 U.S.C. § 112, second paragraph. Claims 6-8 and 11 each depend from amended Claim 5, Claim 9 depends from Claim 8, and Claim 10 depends from Claim 9. Applicants respectfully request that the Examiner withdraw the rejection of Claims 5-11 and pass these claims to allowance.

#### **Response to Rejection of Claim 12 Under 35 U.S.C. § 102(e)**

In the September 2, 2003 Office Action, the Examiner rejects Claim 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,563,537 to Kawamura et al. ("Kawamura"). As described herein, Applicants have cancelled Claim 12 without prejudice. Applicants respectfully request the Examiner to pass the remaining pending claims to allowance.

#### **Response to Rejection of Claims 1-4, 7, and 11 Under 35 U.S.C. § 103(a)**

In the September 2, 2003 Office Action, the Examiner rejects Claims 1-4, 7, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of U.S. Patent No. 5,990,950

**Appl. No.** : 09/454,766  
**Filed** : December 3, 1999

to Addison ("Addison"). As described herein, Applicants have cancelled Claims 1-4 without prejudice, and have rewritten Claim 5 in independent form, including all the limitations of Claims 1-4. Applicants have also amended Claims 7 and 11 so that each depends from amended Claim 5, so Claims 7 and 11 each includes all the limitations of amended Claim 5 as well as other limitations of particular utility. Therefore, Applicants submit that Claims 7 and 11 are patentably distinguished over the prior art. Applicants respectfully request that the Examiner withdraw the rejection of Claims 7 and 11, and pass these claims to allowance.

**Response to Rejection of Claims 8, 9, and 10 Under 35 U.S.C. § 103(a)**

In the September 2, 2003 Office Action, the Examiner rejects Claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of Addison, and further in view of U.S. Patent No. 5,778,106 to Juenger et al. As described herein, Applicants have rewritten Claim 5 in independent form and have amended Claim 8 to depend from amended Claim 5. Claim 9 depends from amended Claim 8, and Claim 10 depends from Claim 9. Therefore, Claims 8-10 each includes all the limitations of amended Claim 5 as well as other limitations of particular utility. Therefore, Applicants submit that Claims 8-10 are patentably distinguished over the prior art. Applicants respectfully request that the Examiner withdraw the rejection of Claims 8-10 and pass these claims to allowance.

**Response to Rejection of Claim 13 Under 35 U.S.C. § 103(a)**

In the September 2, 2003 Office Action, the Examiner rejects Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of Addison, and further in view of U.S. Patent No. 5,793,885 to Kasson ("Kasson"). As described herein, Applicants have rewritten Claim 5 in independent form and have amended Claim 13 to depend from amended Claim 5. Therefore, Claim 13 includes all the limitations of amended Claim 5 as well as other limitations of particular utility. Therefore, Applicants submit that Claim 13 is patentably distinguished over the prior art. Applicants respectfully request that the Examiner withdraw the rejection of Claim 13 and pass Claim 13 to allowance.

**Response to Rejection of Claim 14 Under 35 U.S.C. § 103(a)**

In the September 2, 2003 Office Action, the Examiner rejects Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of Addison, in view of Kasson, and further in view of U.S. Patent Publication No. 2003/0030729 to Prentice et al. Claim 14 depends from amended Claim 13 which depends from amended Claim 5. Therefore, Claim 14 includes

Appl. No. : 09/454,766  
Filed : December 3, 1999

all the limitations of amended Claim 5 as well as other limitations of particular utility. Therefore, Applicants submit that Claim 14 is patentably distinguished over the prior art. Applicants respectfully request that the Examiner withdraw the rejection of Claim 14 and pass Claim 14 to allowance.

**Comments on New Claim 15**

As described herein, Applicants have added new Claim 15. Applicants submit that Claim 15 is in condition for allowance, and respectfully requests such action.

**Summary**

For the foregoing reasons, Applicants submit that Claim 5-11 and 13-15 are in condition for allowance, and Applicants respectfully request such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: Dec. 30, 2003

By: Stephen C. Jensen  
Stephen C. Jensen  
Registration No. 35,556  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404